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Lists of issues to be taken up in connection with the consideration of the second periodic report of Ireland (CCPR/C/IRL/98/2)

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List of issues to be taken up in connection with the consideration of the second periodic report of Ireland
(CCPR/C/IRL/98/2)
(Core document HRI/CORE/1/Add.15/Rev.1)

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (art. 2)

1. What has the Constitutional Review Group (paras. 13-15, 236-237) recommended specifically with regard to the full implementation of Covenant rights in Ireland, and what decisions have been adopted by the Irish Government in the light of the Review Group's findings (report, para. 16)? Has the All-Party Oireachtas Committee on the Constitution made recommendations with respect to the implementation of the Covenant (paras. 238-240)?

2. To what extent have the courts had regard to the Covenant and the Views of the Committee in deciding issues relating to Covenant rights? Please give examples of relevant case-law.

3. What process has been established to follow up on the Committee's concluding observations and Views under the Optional Protocol?

4. What consideration has been given to the withdrawal of Ireland's reservations to articles 10, paragraph 2 (report, para. 154), article 14 (report, para. 203), article 19, paragraph 2 (report, para. 242), and article 20, paragraph 1?

Derogation in states of emergency (art. 4)

5. Bearing in mind that the state of emergency declared by the Oireachtas on 1 September 1976 was lifted on 7 and 16 February 1995 (report, para. 109), what measures have been taken to review actions under the Emergency Powers Act 1976 (paras. 11 and 19 of the concluding observations of 28 July 1993)?

The right to life, liberty and security of person, the treatment of detainees and the right to a fair trial (arts. 6, 7, 9, 10 and 14)

6. With regard to the instructions contained in the Garda Police Code of 1994 and 1996 (report, para. 113), please provide information concerning the constitution and procedure of the Garda Complaints Board in investigating complaints of abuse (report, paras. 130-131). Please provide up-to-date statistics on the number of complaints and their follow-up, including an indication of criminal or disciplinary action taken against police officers alleged to be offenders and remedies provided to victims.

7. Is the establishment of a fully independent authority envisaged to investigate complaints against the police and to replace the official Garda Complaints Board?

8. Please provide information on the conditions of detention in Irish jails, including the segregation of remand prisoners from convicted persons. How is the overcrowding in prisons being alleviated?

9. What progress has been made by the Committee established to review the Offences Against the State Act 1939-98? What are the maximum periods of police detention established by the Act? How many persons have been convicted of offences created by the Act in the reporting period? Please provide detailed information on the application of the rule that the accused's silence on questions regarding his whereabouts, associations or actions may be used as relevant material tending to indicate guilt.

10. Has further consideration been given to the need for the Special Criminal Court (para. 19 of the Committee's concluding observations; report, para. 205)?

11. Is abortion prohibited and are there any exceptions?

Gender equality and protection from domestic violence (arts. 3, 7 and 26)

12. What have been the effects of equality legislation and other measures in achieving greater participation of women in political life, in public institutions, in the professions and in employment (report, para. 88)?

13. Please provide information about progress in implementing the Equal Status Bill.

14. What progress has been made in implementing the recommendations of the Task Force on Violence Against Women (paras. 303-316)? What measures have been adopted to combat the increase in rapes?

Protection of children (arts. 23 and 24)

15. What is the current status of the Children's Bill discussed in paragraphs 319-320 of the report? Please provide statistics on child abuse and examples of the application of the Child Trafficking Act 1998 and the Sexual Offences (Jurisdiction) Act 1996 (paras. 326-327).

Protection of privacy (art. 17)

16. Please provide information on Irish law and practice with respect to sexual relations between consenting adults of the same sex and indicate whether there is any legislation concerning discrimination on the ground of sexual orientation.

Freedom of expression, thought, conscience and religion (arts. 18 and 19)

17. What is the outcome of the proposals of the Constitution Review Group to delete that part of article 40.6.1.i of the Constitution which requires the creation of the offence of publishing indecent matter (para. 21 of the Committee's concluding observations; report, paras. 248-253)?

18. What is the outcome of the proposals of the Constitution Review Group to amend the constitutional oath requirement for judges (para. 15 of the Committee's concluding observations; report, paras. 236-237)?

The rights of persons belonging to minorities (arts. 18, 25, 26 and 27)

19. Please provide information on religious minorities and on new religious movements in Ireland. What is the current law and practice in this regard?

20. To what extent has the implementation of the recommendations of the Task Force on the Travelling Community (paras. 369-273) improved their de facto situation? Do Travellers have effective protection from discrimination in the private sector in light of the Employment Equality Act of 1998 which outlaws discrimination against the Travellers? To what extent do they participate in the electoral process and exercise their political rights (paras. 356-359; concluding observations, para. 23)?

Dissemination of information about the Covenant (art. 2)

21. Please indicate the steps taken to disseminate information on the submission of the report and its consideration by the Committee and, in particular, on the Committee's concluding observations in respect of the State party's initial report. Furthermore, please provide information on education and training on the Covenant and its Optional Protocol provided to public officials.